

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

| | | |
|---------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA |) | Criminal No. 5:15-CR-198 (BKS) |
| |) | |
| v. |) | STIPULATION AND ORDER |
| |) | FOR CONTINUANCE |
| CLAYTON BROTHERS, |) | |
| |) | |
| |) | |
| Defendant. |) | |

Randi Juda Bianco, Esq., the attorney for CLAYTON BROTHERS having moved for an additional continuance of 60 days within which the parties may complete discovery, file motions and prepare for trial in the above-captioned action and Richard S. Hartunian, United States Attorney for the Northern District of New York Douglas Collyer, Assistant U.S. Attorney, appearing, having consented to the continuance and proposed the exclusion of the additional 60 period of continuance under the Speedy Trial Act, the parties hereby stipulate and agree as follows:

- 1) The prior proceedings in this case occurred as follows:
 - a) Date of initial appearance or arraignment: July 22, 2015
 - b) Date of indictment: July 15, 2015
 - c) Defendant custody status: Detained.
 - i) Date United States moved for detention: July 22, 2015
 - ii) Date of detention hearing: timing waived
 - iii) Date detention decision issued: July 22, 2015
- 2) There have been no previous exclusions under the Speedy Trial Act.
- 3) CLAYTON BROTHERS has requested the additional continuance based on the following facts and circumstances:

a) The defendant is charged with five counts of Possession of a Firearm/Ammunition by a Prohibited Person, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). The government recently provided defense counsel with discovery necessitating review of same and discussion with defendant to contemplate necessary motions, if any. This additional continuance will allow the parties to determine whether this matter may be resolved prior to trial. If it cannot be resolved, then this additional continuance will allow the parties additional time to complete discovery, file motions, if any, and prepare for trial.

4) The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial because the continuance will allow the parties time to complete the discovery process and discuss plea negotiations, which may negate the need for a trial. The additional time will allow the parties to complete discovery, file motions, and prepare for trial in the event plea negotiations fail.


5) The parties stipulate and agree that a period of 60 days beginning on and including September 21, 2015 shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: August 4, 2015

RICHARD S. HARTUNIAN
United States Attorney

By:



Douglas G. Collyer
Assistant United States Attorney
Bar Roll No. 519096

A handwritten signature in black ink, appearing to read 'RJB', is written over a horizontal line.

Randi Juda Bianco, Esq.
Attorney for CLAYTON BROTHERS
Bar Roll No. 507 514

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| Defendant. |) | |

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial because this delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS
IT IS HEREBY ORDERED:

A. A period of 60 days, beginning on and including September 21, 2015 shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the parties the reasonable time necessary for effective preparation.

B. Any pretrial motions in this case shall be filed on or before October 8, 2015 and shall be made returnable on November 9, 2015.

C. The trial in this matter shall begin on November 9, 2015 before United States District Judge Brenda K. Sannes in Syracuse, New York or, in the alternative, a change of plea shall be entered on or before November 5, 2015.

IT IS SO ORDERED.

Dated and entered this 12th day of August, 2015.

A handwritten signature in black ink, reading "Brenda K. Sannes". The signature is written in a cursive style with a horizontal line underneath the name.

Hon. Brenda K. Sannes
United States District Judge